

PETITION OF UNION SOLDIERS OF GENTRY COUNTY, MO.

FEBRUARY 26, 1904.—Ordered to be printed.

Mr. FORAKER, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany petition of Union soldiers of Gentry County, Mo.]

The Committee on Military Affairs, to whom was referred the petition of some 400 members of Col. Manlove Cranor's Gentry County Home Guards Brigade of Missouri, have duly considered the same and submit the following report:

This petition is dated Stanberry, Mo., October 15, 1898. and is signed by some 400 members of Missouri Home Guards. In their petition they say:

We, the undersigned, soldiers of the Gentry County Home Guards and citizens, pray your honorable bodies to pass such a law as to give to Gentry County Home Guards their full time that was not reported to Hawkins Taylor commission, and which is as follows, to wit: They were mustered into service at Oxford, Worth County, Mo., as a regiment on the 1st day of June, 1861, and mustered out at St. Joseph, Mo., on the 26th day of September, 1861. Col. Manlove Cranor officiated, and the following captains were in this regiment, to wit:

James Stockton, Company A, 141 men; James M. Hagans, Company B, 37 men; Levi Pritchard, Company C, 25 men; James W. Curry, Company D, 61 men; Elias Parrott, Company E, 75 men; Thomas Smith, Company F, 68 men; Henry Fox, Company G, 53 men; William B. Shoemaker, Company H, 70 men.

Add to the above list Robert Moran, who was absent from Company A on account of sickness at the muster out. Also add to list William Parker, Company D, who was absent on duty with provision train at the time the list was made out.

Now we pray your honorable bodies to pass a law to authorize the Secretary of War to date back to the 1st day of June, 1861, these eight companies, the name of each member that was reported by the Hawkins-Taylor commission from the 28th day of August, 1861, to the 26th day of September, 1861.

From the records we have the Hawkins-Taylor commission allowed the time that was reported to them. Now these companies did patrol service in Gentry and Worth counties, Mo., up to the 4th day of July, 1861. When the rebels broke out in Maryville, Nodaway County, Mo., we sent to St. Joseph, Mo., to Colonel Curtis, of the Second Iowa, for help. He sent Colonel Tuttle up to Maryville with two companies.

Colonel Tuttle called us all out into active service and stayed with us for a few days, when he was called south. He gave authority in writing to James W. Curry to go ahead and do the best we could, and we administered oath of loyalty to them that wished to take it. While we were there (Maryville) rebels broke out in east part of Worth County, Mo., and Companies D and B went straight there, and was met by

Col. M. Cranor at Denver, Worth County, Mo. He had one man shot from the brush on the way to Denver and lost another man at Denver, Mo., and had another one wounded north of Denver. General Dodge met us at Denver, Mo., about the middle of July, 1861, and took command. Our forces at that time run up to about 5,000 men. Not finding any body of rebels necessary for so many men, General Dodge stayed with us a few days and went back to Iowa, and Col. M. Cranor took command and moved south to Albany, Gentry County, Mo. There we found the rebels in camp near Gentryville, Gentry County, Mo., and supposed to have 5,000 men in a fortified position, equal to about three to one. We sent for artillery, but before it arrived a compromise was effected on account of brother against brother, neighbor against neighbor, etc. Colonel Patton, rebel commander, agreed to take his men and go south if we would permit him to go peaceably. He moved south about 30 miles and went into camp. The Union forces disbanded and all went home. This was after the middle of August, 1861.

In about a week after this Patton's forces commenced raiding the country again. Col. M. Cranor called out the Gentry County Home Guards again, and also sent to Iowa for help, and Colonel Edwards came down with 1,000 men and 1,000 stand of arms. Patton got away from us. General Prentiss ordered Col. M. Cranor to hold St. Joseph, Mo., and sent Colonel Stone, of Iowa, after Patton. Patton whipped Stone at Blue Mills Landing, Mo. This was two years before the Hawkins-Taylor commission set in St. Louis.

The adjutant of Colonel Edwards's regiment procured a list of all the companies, with the object to try to get pay for our services. I suppose he made the report, as it was just with service done while he was with us. The service up to the 28th day of August, 1861, was never reported by anyone. The Hawkins-Taylor commission did wrong in not notifying Col. M. Cranor, of the Gentry County (Mo.) Home Guards, in place of going up to Iowa for Colonel Edwards, and also by only notifying through the papers, as at that time there were very few printed in this part of the country and hardly anyone took a paper.

There was much controversy in regard to the service of the Missouri Home Guards, as to the length of the time of their service and their rights to pay and pension determined thereby, as shown by these petitioners in their petition.

There was internal strife and division of sentiment in the State, beginning in the spring of 1861, and the Union and Southern advocates were organizing and arming for the conflict.

On May 31, 1861, Gen. Nathaniel Lyon, U. S. Volunteers, relieved General Harney of the command of the Department of the West, and on the 11th day of June was authorized by the War Department as follows:

WAR DEPARTMENT,
Washington, June 11, 1861.

GENERAL LYON: You are authorized to enlist in the service of the United States such loyal citizens of the State of Missouri as you think proper, who shall not receive any pay except when called into active service by this Department. Five thousand additional stand of arms have been ordered to be forwarded to you for distribution among them.

SIMON CAMERON, *Secretary of War.*

This letter was the authority for the organization of the Missouri Home Guards.

On November 16, 1861, Chester Harding, jr., colonel Tenth Missouri Volunteers, wrote to Gen. L. Thomas, Adjutant-General U. S. Army, as follows:

WASHINGTON, November 16, 1861.

SIR: I have been requested to state for the information of the Department the facts relative to the reserve corps and home guards in the State of Missouri. I was assistant adjutant-general upon the staff of General Lyon at the time of the formation of these corps, and am acquainted with the whole subject. General Lyon authorized parties residing in different parts of the State to organize as home guards for their own protection and the preservation of peace in their respective neighborhoods.

These were armed by the United States upon proof of their organization being

furnished. They were also supplied with ammunition, but were not to receive rations, clothing, or pay. * * *

This letter of Colonel Harding's was referred to the Secretary of War, with this indorsement:

ADJUTANT-GENERAL'S OFFICE, *November 19, 1861.*

Respectfully referred to the Secretary of War, with the recommendation that such of the home guards or reserve corps of Missouri as have done active service be paid in the same manner as other volunteer regiments.

L. THOMAS, *Adjutant-General.*

WAR DEPARTMENT, *November 25, 1861.*

Approved, as recommended.

THOMAS A. SCOTT,
Acting Secretary of War.

On January 1, 1862, Chester Harding, jr., adjutant-general, addressed a letter to Gov. H. R. Gamble, of Missouri, in which he writes:

In June, 1861, the Government of the United States sent to the arsenal for distribution among the loyal inhabitants of Missouri, 10,000 stands of arms and sets of accouterments. These were placed in the hands of the so-called home guards in different parts of the State. No accurate account can be given of the home guards. To the great majority of them these arms and accouterments were given for the purpose of enabling them to protect their own homes and neighborhoods. They expected neither pay nor subsistence from the Government, and made no reports to its authorities. They have been of great service to the State and to the Union cause, and have exhibited much gallantry when brought in contact with the enemy.
* * *

The question of payment of the home guards was early brought to the attention of General Fremont, and in a letter from his assistant adjutant-general, dated September 7, 1861, it was stated:

The general commanding does not intend to make any decision in the case, it never having been his intention to order the payment of the home guards.

On September 12, 1861, General Fremont wrote to another correspondent as follows:

General Fremont has decided not to order the home guards to be mustered at all, either for pay or out of the service, as they were never mustered in. They are to seek relief through Congress, as it was understood between them and General Lyon that they expected nothing but arms and subsistence.

On October 25, 1861, the Adjutant-General of the Army addressed a letter to the Paymaster-General as follows:

ADJUTANT-GENERAL'S OFFICE,
Washington, October 25, 1861.

SIR: Information having been received that bodies of troops are being formed in and about St. Louis, Mo., which, under the names of "Home Guards," "Reserve Corps," and other appellations, are being mustered into the service of the United States for duty only in limited localities or upon certain contingencies, you are hereby cautioned that such organizations are entirely without authority, and no payments made to them will be sanctioned by the Government.

I am, sir, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

PAYMASTER-GENERAL, *Washington, D. C.*

On November 9, 1861, Major-General Halleck was assigned to the command of the newly created Department of the Missouri. On

December 2, 1861, General Halleck received the following letter from the War Department:

ADJUTANT-GENERAL'S OFFICE,
Washington, December 2, 1861.

SIR: The Secretary of War directs that such of the home guards or reserve corps of Missouri as have done active service in Missouri away from their homes be paid for the period thus served in the same manner as other volunteer regiments of their respective arms. You will take such further action in regard to these troops as the interest of the service may demand.

I am, sir, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

COMMANDING OFFICER OF THE DEPARTMENT OF MISSOURI.

On December 4, 1861, General Halleck issued General Orders, No. 14, as follows:

GENERAL ORDERS, }
No. 14. }

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 4, 1861.

With a view to the systematic organization of the forces of this department, all commanders of regiments, batteries, troops, and companies, raised under authorizations from any source whatever, now in the service of the United States in this department, will forward certified copies of their "muster-in rolls," including those of the field and staff, as well as those of companies, to these headquarters. The rolls will be accompanied by a letter of advice, stating the present station of the force, giving the town and county, also whether the officers are commissioned, and by whom. These rolls will be forwarded through the commanders of districts, divisions, brigades, or posts, who will see that it is done as promptly as possible. Where there are corps or detachments which have not been mustered, but have been in service, the commanding officer will make affidavit before an officer authorized to administer oaths, that the rolls are correct, and that the men and officers on the rolls thus authenticated have been in service for the period set opposite their respective names, which affidavit will be forwarded with the rolls.

The object of this being to have commissions furnished to those officers who are without them, and the troops mustered, so that they can be paid and supplied with clothing and subsistence, in accordance with law and regulations, the interests of the service as well as those of men and officers prompt the utmost diligence in complying with this order. They will be addressed to the Assistant Adjutant-General at these headquarters, marked on the envelope, "Muster-in rolls."

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

On December 9, 1861, General Halleck issued General Orders, No. 21, publishing and containing a copy of the letter of the Adjutant-General of October 25, 1861, addressed to the Paymaster-General, and then saying:

Officers appointed from these headquarters to muster troops are authorized to muster or remuster into the service of the United States all such bodies of troops, for three years or during the war, unless sooner discharged, as directed by the act of Congress on the subject, provided their plan of organization conforms to the orders of the War Department, including in the muster or remuster so made the period during which the bodies of troops above referred to have been in actual service.

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

On December 13, 1861, General Halleck reported to the Adjutant-General of the Army as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, December 13, 1861.

Brig. Gen. L. THOMAS,

Adjutant-General of the Army, Washington City:

The "Home Guards" are not a regular organization; some have been mustered in with the reservation of serving only in this State, while others, although long in

service, have never been mustered at all. I have offered them the option to be mustered in according to law, so as to cover their past service, or to be mustered out and receive pay only for "active service in Missouri away from their homes," in accordance with your instructions of the 3d instant. Most of them will probably prefer the latter alternative. If they do, it will be very difficult to ascertain the length of their service "away from home."

On December 14, 1861, General Halleck issued General Orders, No. 25, as follows:

GENERAL ORDERS, } HEADQUARTERS DEPARTMENT OF THE MISSOURI,
 No. 25. } *St. Louis, December 14, 1861.*

111. Home guards and other irregular organizations mustered in with an unauthorized limitation as to place of service, or in service without having been mustered in, will be allowed the option to be now regularly mustered in for three years or during the war, according to law and regulations, to cover the full time of back service, so that they can be regularly paid and furnished with supplies, or to be mustered out of service and receive pay only for the period they "have done active service in Missouri away from their home."

By order of Major-General Halleck:

J. C. KELTON,
Assistant Adjutant-General.

On December 18, 1861, General Halleck informed a correspondent that no more home guards would be organized to be paid and supported by the United States, and on the following day, in a letter to General McClellan, he stated that the home guards were being disbanded as rapidly as he could supply their places.

On February 21, 1862, General Halleck issued an order directing that—

all arms and accoutrements issued to the Missouri Home Guards, by order of the late Brig. Gen. Nathaniel Lyon, be turned over to the United States authorities.

On January 18, 1862, General Halleck wrote to General Thomas, Adjutant-General, U. S. Army, as follows:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, January 18, 1862.

GENERAL: Several bodies of men who were organized under General Lyon and General Fremont, and have done service in the field, were disbanded before I took the command. It appears that they were promised pay, but they can not be paid under the Secretary's order to me in relation to home guards, because they can not be brought together for mustering in and out.

It has been proposed that such troops be permitted to be mustered into the State militia to include the time they actually served away from their homes (the proper affidavits, etc., being required on muster-rolls, as in the case of home guards), and to be paid the same as State troops. The governor thinks this measure would greatly increase mustering in the militia.

I recommend the measure for the action of the War Department.

Very respectfully, your obedient servant,

H. W. HALLECK, *Major-General.*

Brig. Gen. L. THOMAS,
Adjutant-General of the Army, Washington.

To which the Adjutant-General replied as follows:

ADJUTANT-GENERAL'S OFFICE,
Washington, February 8, 1862.

GENERAL: In reply to your communication of January 18, I am instructed to say that if the men organized under Generals Lyon and Fremont and disbanded before you took command of the department can not again be collected to be mustered in and out you will take such measures as you may deem best calculated to muster them individually, if necessary.

It is not considered advisable to cover the time already served by them by antedating their enlistments in the State service.

I am, General, very respectfully, your obedient servant,

L. THOMAS, *Adjutant-General.*

Maj. Gen. H. W. HALLECK,
Commanding Department of the Missouri, St. Louis, Mo.

The question of the rights of the Missouri Home Guards was brought to the attention of Congress, and the following legislation was enacted:

CHAP. XLIX.—AN ACT to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West, or the Department of the Missouri, the pay and bounties as in cases of regular enlistment.

Sec. 2. *And be it further enacted,* That the officers, noncommissioned officers, musicians, and privates so employed who may have been wounded or incapacitated for service shall be entitled to and receive the pension allowed for such disability: *Provided,* That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

Sec. 3. *And be it further enacted,* That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided,* That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

Approved March 25, 1862.

[No. 51.] A RESOLUTION to suspend all payments under the act approved twenty-fifth of March eighteen hundred and sixty-two, entitled "An act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension," and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to suspend all payments under the act approved twenty-fifth March, eighteen hundred and sixty-two, entitled "An act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension;" and that there shall be appointed by the President, immediately after the passage of this resolution, by and with the advice and consent of the Senate, three commissioners, to examine all claims arising under the provisions of that act, and report the same, with the facts connected therewith, to the Secretary of War; said commissioners to have such compensation for their services as the Secretary of War may consider just and reasonable: *Provided,* That said commissioners shall be required to examine and report within sixty days after the passage of this resolution upon all such claims as may be presented by persons claiming to have been organized or employed in State of Missouri, and to have performed service according to the provisions of the said recited act, whereupon payments shall be made as recommended by said commissioners, and as required by said act: *And provided further,* That within ninety days from the passage of this resolution the said commissioners shall examine and report upon all other claims arising under the act aforesaid, when payments shall be made as herein prescribed.

Approved July 12, 1862.

[No. 19.] JOINT RESOLUTION to revive "An act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pensions, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution, entitled "A resolution to suspend all payments under the act approved the twenty-fifth of March, eighteen hundred and sixty-two, entitled 'An act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension, and for other purposes,'" approved July twelfth, eighteen hundred and

sixty-two, be, and they are hereby, revived, and the commissioners therein provided for shall be allowed six months from the passage of this resolution within which to make their report.

Approved February 16, 1863.

CHAP. LXIX.—AN ACT to provide for the deficiency in the appropriation for the pay of the two and three years volunteers, and the officers and men actually employed in the Western Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of thirty million of dollars, or so much thereof as may be necessary, to enable the Government to pay the two and three years volunteers called into the service of the United States, being an additional amount required for the fiscal year ending June thirtieth, eighteen hundred and sixty-two.

SEC. 2. *And be it further enacted,* That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure pay, bounty, and pensions to officers and men actually employed in the Western Department, or Department of Missouri.

Approved May 14, 1862.

The commissioners appointed under said act of July 12, 1862, made their report to the Secretary of War, which is as follows:

SAINT LOUIS COURT-HOUSE,
Saint Louis, Mo., September —, 1863.

SIR: The undersigned, appointed under General Order No. 64 to examine all claims arising under the act of Congress approved March 25th, 1862, entitled "An act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pensions," have the honor to submit the following report:

Through the courtesy of the county court, a room was furnished in the court-house in the city of Saint Louis, where they met and continued their daily sessions uninterrupted until this date. Owing to the very limited time given the Commission in which to examine and pass upon the claims arising under said act, one member of the Commission was sent to the State of Iowa to give information and collect evidence as regards claims arising in that State, and remained there some two weeks. At another time another member was sent to the State of Kansas for the same purpose, and remained about the same length of time. At all times continuing a majority of the Commission at Saint Louis for the transaction of business.

Immediately after our assemblage we appointed Dr. James Fletcher, of Kansas, as principal secretary, and shortly after A. C. Cummins, of Ohio, chief clerk. Subsequently and for different periods we employed the following persons as assistant clerks, viz: Thomas J. Sutton, Ferdinand Hess, Wm. H. Sirmscoe, Henry Rohe, and Peter A. Feldmear, and Joseph Taylor, messenger.

The services of Dr. Fletcher and Captain Cummins were very efficient and valuable. They are entitled to our thanks for their industry and attention to the business of the commission. We can not speak too highly of the valuable assistance and services rendered to us and to our business by the Hon. James H. Moss, the solicitor to the commission. His untiring industry and his intelligence and legal skill lightened our labors and afforded much valuable aid in the investigation of all classes of claims before us.

A regular docket of all claims was carefully kept, and public notice was given of our sessions in the leading newspapers published in Saint Louis and in the States of Missouri, Iowa, and Kansas, giving notice of the sitting and organization of the commission.

The commission also issued a circular giving the laws under which they acted, together with instructions as to the form and manner of presenting claims, a copy of which is annexed.

The number of claims filed for services of companies was 274, of which number we allowed 247.

The number of individual claims was 307, of which 97 were allowed. Number of field and staff claims, 31; allowed, 28. The total amount allowed for claims of services of companies is \$735,256.04, and for individual claims is \$22,426.68, and for field and staff \$42,929.41. Total amount allowed, \$800,612.13.

The amount claimed as due by the parties we can not state, as the larger portion of

the companies' claims stated only the time claimed and not the amount; but we doubt not but the aggregate sum claimed by the parties would amount to over \$1,500,000.

No claim was allowed unless it was strictly for personal service in the military service, and all were not only required to show that they were called out or accepted by proper authority, but performed actual military service in the field as distinguished from services in organizing, drilling, recruiting, or in camp. We required proof of actual service other than the oath of the claimant, and generally the services were proven by the testimony of one or more disinterested witnesses or the certificate of well-known officers now in service. The services of a very great portion of the company claimants were necessarily desultory and not continuous. At the breaking out of the rebellion the State of Missouri had the misfortune to have her entire State government and a large portion of her American-born citizens either active sympathizers with the South or neutral in the contest. In some sections of the State nearly the entire population were loyal, in others almost entirely disloyal, and in others they were divided.

For months previous Governor Claiborn F. Jackson and the State authorities had been collecting powder and lead and arms and organizing the militia of the State, under the pretense of preserving the neutrality of the State, but really with the design of taking the State out of the Union. Everything seemed to favor their plans, and they would inevitably have succeeded had it not been for the foresight, boldness, and unswerving patriotism of General Nathaniel Lyon. He penetrated their designs and took prompt measures to defeat them, and unquestionably saved Missouri. He found the people of Saint Louis and the State divided in opinion; while the State authorities were organizing the militia for treasonable purposes, he encouraged the formation of home guards and other irregular forces, and by a few bold and decisive measures, such as the taking of Camp Jackson, completely destroyed and dispersed the open rebels and protected the public property and loyal citizens. At the time he had but a few hundred United States troops under his control, but with the aid of the irregular troops that he created and organized he accomplished his purpose. If, therefore, it was an object to save Missouri and the consequent control of the city of Saint Louis and the arsenal and the waters of the Upper Mississippi, and our vast Western Territories, the credit is all due to the brave Lyon and his home guards.

In every part of the State where there were Union men there was an organization of home guards. If the Union sentiment was strong in the country or district, a regiment was raised. If less strong, a battalion or single company. These organizations were called into service either by special authority from General Lyon, or under a general invitation to form home guards, issued by him. When organized they reported to the commander of the department, and drew arms in whole or part. A large portion, however, were obliged, for want of arms, upon not being able to procure them, to use their own private arms. In almost all cases they drew ammunition and subsistence while in actual service.

These organizations were kept up from one to six months, and in a few cases for a longer period of time. There are instances, particularly in southwest Missouri, where, after the retreat of the United States forces, in the summer and fall of 1861, the organizations were retained, and, by occupying passes in the mountains, the flag of the Union was kept up, while the country for many miles around them was occupied by General Price and the rebels under him. When these organizations were disbanded, either by orders from the general commanding or from other causes, it can be said to their credit, and as an evidence of their loyalty, that a large majority of the officers and men went into the regular volunteer service, and are now in the field under "Generals Grant and Rosecrans," fighting for the cause of the Government in the effort to put down this cursed and causeless Southern rebellion.

This increased our difficulties and labors. In many cases there was neither muster-in or muster-out rolls, and in other cases the authority for the organization and the rolls themselves were captured or destroyed by the rebels, and we doubt not there are companies that performed service whose claims have not been presented to us because of the absence of officers and men in the field now in service and who have no knowledge of the existence of the commission. Previous to the outbreak, at the suggestion of General Lyon, and for their own protection, many of these companies organized and armed themselves and patrolled through their respective neighborhoods, watching the movements of the disaffected. After hostilities commenced other companies organized, drilled, and protected their own and neighbors' property and the peace of the country, but for such service we have allowed no compensation. We have only allowed where their existing organizations have been regularly called out and actually served in the field under proper authority and in regular military capacity or service. Hence it will be seen that in a large majority of company claims we have only allowed part of the time claimed. We have sought to do justice between the claimants and the Government, and not pay them for time spent in serv-

ice for the protection of themselves and neighbors or in preparing for active service. In other cases organized companies were called out by the proper authority for special services, and were then ordered home, and in a few weeks were called out again, and probably repeated. In these cases we have sought to ascertain the actual time they were in the field, and allowed them for such time.

The same principle was applied to individual claims. We have sought only to pay for actual service. We have favored no claims for recruiting, for organizing, for doing camp duty in and about Saint Louis or other cities, or for any other service, except it is in the strict line of the officer's duty and in which he necessarily devoted his whole time.

There are numerous instances where claimants were appointed by the generals who have been in command in this department, and who have promised in good faith to recruit companies and regiments, but failed to obtain the minimum number required for a command, and the recruits have been assigned to other organizations, and the officers discharged.

In these cases we refused to allow them pay for their time and expenses, for the reason that they have not rendered the actual military service contemplated by the law under which we act. It may also be added that they accepted their appointments with the understanding that they should raise the men required for the command they sought, and, if successful, a commission would follow; if they failed, they lost their time and expenses. Such, we understand, has been the practice in the Western States. In other cases claims have been presented by officers for service rendered between the time of appointment and time of being mustered into the service of the United States. This class of claims were all rejected, in accordance with the practice in the State government and agreeable to the instructions of the Solicitor of the War Department. We have been obliged necessarily to exercise discretion and adopt rules as regards the amounts to be allowed that are not known or recognized by the Army regulations. But in these cases we thought justice to the service and the claimant required some allowance should be made. The amount allowed is universally less than the amount named in the regulations. The cases alluded to are chiefly surgeons and chaplains.

A large proportion of the companies claim that the services performed were as cavalry, each man furnishing his own horse and horse equipments, and therefore entitled to the usual pay and allowance for such service. With few exceptions, we refused to allow such claims. It was in evidence before us that the service was either cavalry or infantry, as the exigencies of the time required; that forage for the horses was furnished by Government when in actual service; and in the opinion that it was better for the owners to use their horses in the service, and thereby prevent them from being taken by the rebels—for this reason, mainly, we have allowed no pay for horses only when it was proved clearly that the company was organized as cavalry, and that by special authority from the general commanding having such authority. There have been many cases presented for subsistence, transportation, and other expenses attending this service, but the law under which we were acting, in our opinion, gave us no jurisdiction over such cases.

The amounts are generally small, and in the hands of loyal men, who have suffered in the cause. We would therefore respectfully recommend that this class of cases be promptly investigated and paid. It appeared upon investigation that two regiments from the State of Iowa, under the command of Colonels Morledgs and Edwards, and one company under Capt. W. C. Jones, were called out by proper authority, and did service in Missouri; that the legislature of Iowa made provisions for the payment of the officers and men, and that part have been paid and the balance are being paid upon presentation of their claims. Satisfactory evidence was produced of their service and that the claim was within our jurisdiction, but as the State of Iowa had partly paid them and had assumed the payment of the balance, we did not enter them upon our books, but gave the State officers a certificate of facts that will assist the State in settling the same with the War Department.

No claims were presented from the State of Kansas, though we were advised that services were rendered by officers and men that would properly come within our jurisdiction. None were presented, probably because of the absence of officers in active service in the field and the distracted condition of things in that State.

Among other claims presented to us were some for services rendered as "spies and scouts," employed by the different commanders of the department. The services were performed either by regularly organized companies, or bands, or by individuals. We are satisfied that the services were performed, that they were valuable and dangerous, and should be paid; but in the absence of any rule of compensation established, either by law or custom, or of a knowledge on our part, of the prices usually paid, we have inserted the names of the companies and individuals on our books, leaving the Department to give the customary compensation to such persons for such services.

10 PETITION OF UNION SOLDIERS OF GENTRY COUNTY, MO.

By reference to our books the claim of Capt. J. M. Richardson's company will be found in vol. 1, on page 112.

That of Capt. Emory S. Foster's company will be found in vol. 1, on page 96.

That of Cicero A. Lewis in vol. 1, page 53.

That of Jenisha Page in vol. 1, page 53.

The paper annexed hereto marked "A" contains a statement of our expenditures, and are the vouchers for such payments.

Herewith is \$1,983.80, the balance of the money placed in our hands to pay the expenses of the commission.

HAWKINS TAYLOR,
CHAS. T. SHERMAN,
FRANCIS T. RUSSELL,
Commissioners.

I have carefully concurred in the findings of my associate commissioners so far as they go, as giving thus much to the early and worthy defenders of my State; but to the brave and ruined men of the Southwest and the Northwest I deeply regret that a little more could not have been awarded.

In the matter of pay for horses, too, I respectfully submit that I have steadfastly differed with them. I take the ground that the law directing us to allow pay to officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, when their services were accepted and actually employed by the generals, &c., the same pay as in cases of regular enlistment, authorized us to allow to private soldiers using their horses in a mounted service the army pay in such cases.

The law in general is not limited to an infantry, cavalry, or artillery service, but embraces all, and, if mounted men were accepted and used, should be paid for as such.

The argument of risk to horses at home, and that they were put in the Army for safety and fed by the Government, is of no force if the Government really used them. And, besides, if it is valid it goes too far, and would on its own principle exclude thousands of the men too, for to my certain knowledge thousands of exposed Union men in Missouri could not stay at their homes, and went to the service for safety, at least in part, and were there both fed and clothed. Many poor Union men have ridden to death in this service, and some of them had killed under them their only horse, and that, too, without pay per diem or a valuation.

Of course we have no jurisdiction to award an allowance for the valuation of such horses. The enemy were well mounted, and against them infantry was mostly useless, and the horses of these men were needed, accepted, and hardly used by our Government, and, I hold, should be paid for.

I also wish to call attention a little specially to the matter of transportation and supplies for these home guards, and to add my sincere regret that these matters were clearly outside our jurisdiction.

It is shown on the rolls and by other good evidence that almost every company used from two to four wagons hauling for them in their campaigns, and necessarily so, and had them of the best of Union men. Some of these teams were lost and worn out by the chances and service of war, and should be paid for accordingly by the Government.

The same is true of supplies for these troops, who, being deficient in ordinary army experience and of facilities for procuring them, and forced by want to have them, procured bacon, flour, groceries, horse feed, and all necessaries at large from both farmers and merchants. Many of these were violent Union men, who thus upheld our cause with their own means when it could not be bought elsewhere, and did it for the sake of the cause, and did it, too, to prevent injury to our cause by violent seizures.

I beg leave to be thus earnest on these points because I myself only of the commissioners had opportunity for personal experience and observation in regard to them. The cases in both classes are mostly small claims, but numerous, and held by needy persons, and are susceptible of plain and clear proof, and I earnestly insist should be early provided for and paid.

HON. E. M. STANTON,
Secretary of War.

F. T. RUSSELL, *Commissioner.*

WASHINGTON, *September 21, 1863.*

The commission when in Saint Louis neglected to state that proof was made to them that Colonel Epstein, of the Boonville Home Guards, advanced money and supplies to his officers and men, with the agreement that the money so advanced by him should be deducted from their pay and paid to Colonel Epstein when the Government made payment.

In volume No. 2, pages 236, 237, 238, 239, 240, 241, 242, and 243 will be found his companies. There is a column in each showing the amount advanced to each officer and man. All these sums should be paid to Colonel Epsteim.

HAWKINS TAYLOR,
Chairman Commission.

A.

Expenses of the commission designated under General Orders, No. 64, current series, of the date of March 16, 1863, from War Department.

| | | |
|---|------------|------------|
| Hawkins Taylor, 189 days, at \$8 per day | \$1,512.00 | |
| Mileage to and from Washington and to and from Iowa | 192.00 | |
| | | \$1,704.00 |
| Col. Charles T. Sherman, 189 days, at \$8 per day | 1,512.00 | |
| Mileage to and from Mansfield, Ohio | 60.00 | |
| | | 1,572.00 |
| Col. F. T. Russell, 189 days, at \$8 per day | 1,512.00 | |
| Mileage | 72.00 | |
| | | 1,584.00 |
| Col. J. H. Moss, 189 days, at \$8 per day | 1,512.00 | |
| Mileage from Liberty and back | 48.00 | |
| | | 1,560.00 |
| Dr. James Fletcher, 163 days, at \$6 per day | 978.00 | |
| Mileage | 78.00 | |
| | | 1,056.00 |
| Capt. A. C. Cummins, 148 days, at \$5 per day | 814.00 | |
| Mileage | 30.00 | |
| | | 844.00 |
| Thomas J. Sutton, 107 days, at \$3.50 per day | 374.50 | |
| Mileage | 9.00 | |
| | | 383.50 |
| Titan A. Feldman, 20 days, at \$3 per day | 76.50 | |
| Henry Rohn, 120 days, at \$1 and \$3 per day | 160.00 | |
| Frederick Hess | 21.00 | |
| William H. Sirmscoe, 28 days, at \$3 per day | 84.00 | |
| Witness fees | 293.10 | |
| Advertising | 180.30 | |
| Incidental expenses, stationery, &c | 45.00 | |
| Joseph W. Taylor, messenger | 52.80 | |
| Total | | 9,616.20 |

On January 22, 1864, the following act was passed:

CHAP. III.—AN ACT to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or Department of Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seven hundred thousand six hundred and twelve dollars and thirteen cents, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension: *Provided, however,* That in the payment of the money hereby appropriated such payment shall be made directly to the officers or soldiers by whom the services were rendered, or to their personal representatives, or to their agents appointed by powers of attorney, and no assignment of any sum due to any officer or soldier shall be valid; such payments to be made by paymasters of the United States Army: *Provided further, however,* That any person holding a power of attorney authorizing the receipt by him of the amount to be paid to any officer or soldier may, upon making and filing an affidavit to the effect that he is acting in the premises purely as agent without personal interest, and that he will pay over the amount received either to the soldier or (in his absence) to his wife or children for their benefit, be entitled to receive such amount.

Approved January 22, 1864.

No provision had been made for the issuance of any certificates of discharge, and to remedy this omission the following law was enacted, under which the War Department issued certificates of discharge from

the company, giving the date of the organization of the company and the date of the discharge, as shown by the Hawkins-Taylor commission, without stating the time for which pay was allowed:

AN ACT to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of war be, and is hereby, authorized and directed to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were adjudicated by the Hawkins-Taylor commission under the act approved March twenty-fifth, eighteen hundred and sixty-two, and the several acts supplementary thereto.

Approved, May 15, 1886.

Under these laws the commission considered, allowed, and paid all claims for pay, bounty, and pensions for actual service rendered prior to March 25, 1862. The claims for pay and bounty allowed by the commission were paid at St. Louis, Mo., by officers of the Pay Department of the Army especially designated for that service. Claims for pensions allowed by the commission were to be settled by the Interior Department and entered on the regular pension rolls.

The contention in this case is for the recognition of this command as in actual service of the United States from June 1, 1861, to September 26, 1861, instead of the time allowed by the Hawkins-Taylor commission, which was only from the 28th day of August, 1861, to the 26th day of September, 1861. There has been much controversy over this question and the Hawkins-Taylor commission report. The following letter from the War Department gives full information:

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
Washington City, December 18, 1900.

DEAR SIR: In reply to your letter without date, received this morning, in which you request to be advised what records of the Hawkins-Taylor commission are on file in the War Department, and especially whether there is record of the proofs presented to the commission showing length of actual service, also whether the rolls showing the names and services gave dates of enrollment and expiration of term and the period of actual service less than the period between enrollment and expiration of service, I have the honor to advise you as follows:

As you were advised in the letter addressed to you by this Office under date of December 5, 1900, relative to the case of J. P. Hopkins—

“The records of the proceedings of the Hawkins-Taylor commission, or other retained records of the commission, are not filed in this Department, and nothing is known at this Office relative to their whereabouts, if they are in existence. The registers prepared by the commission, filed in this Office, contain the only known record of the commission relative to individual service.

The registers of the commission show, in the case of each man whose claim for service was adjudicated by it, the “date of organization” of the command of which he was a member and the date of his discharge, and in addition to this the period which the commission “allowed as actual military service rendered the United States.” It was frequently the case that the period allowed a man by the commission as actual military service rendered the United States was considerably less than the period that elapsed between the date of organization of his command and the date of his discharge. For instance, in the case of William Walton or Yalton, Company K, First Northeast Missouri Home Guards, referred to in your letter, the register of the Hawkins Taylor commission shows June 17, 1861, as “date of organization,” and October 1, 1861, as “date of discharge,” but the register also shows that the period of two months and twenty-one days was “allowed as actual military service rendered the United States.” The report furnished to the Pension Office in this case was exactly in accordance with that showing of the register.

It is well known that the men whose claims were adjudicated by the Hawkins Taylor commission did not render continuous military service from the date of organization of their commands, or from the date of their enrollment therewith until the date of their discharge, and the purpose for which the commission was created was chiefly that of ascertaining exactly how much military service was rendered by each

of these men. This the commission did, and its findings as recorded in the registers of the commission are the only known source of information with regard to the actual military service of any man whose claim was adjudicated by the commission. There is an inconsiderable number of rolls of these home-guard organizations on file in the Department, but they show nothing of importance more than dates of organization or enrollment, and dates of disbandment or discharge, just as the registers of the commission show similar extreme dates, and they afford no indication as to the amount of military service actually rendered between those dates. As stated above, the commission was appointed for the purpose of ascertaining and stating the amount of such service, and the report of the commission is now the only means of determining that amount in any case.

What documentary evidence, if any, the commission had before it is unknown, but it is inferred from the report of the commission that its findings were based to a great extent upon the oral testimony of claimants or their witnesses. At any rate, no records of the proceedings of the commission are known to be in existence, and nothing is known as to the disposition made by it of any documentary evidence that may have been submitted to it.

The report of the commission will be found printed in Senate Report No. 214, Forty-eighth Congress, first session. This report embodies all the information known to this office with regard to the methods of procedure of the commission.

Very respectfully,

F. C. AINSWORTH,
Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

In the pension case of Elizabeth Dickerhoff, widow of Louis Dickerhoff, Company E, Cape Girardeau County Home Guards, the Hawkins Taylor commission report showed an allowance of one month as actual military service rendered the United States by Louis Dickerhoff of said company "between June 27, 1861, date of organization, and September 29, 1861, date of discharge." Her claim was rejected and a bill (S. 509, Fifty-sixth Congress) for her relief was presented and referred to the Committee on Pensions, and Senator Gallinger made the following adverse Senate report (No. 252):

The Committee on Pensions, to whom was referred the bill (S. 509) for the relief of Elizabeth Dickerhoff, widow of Louis Dickerhoff, deceased, of Company A, Cape Girardeau Missouri Home Guards, have duly considered the same and submit the following report:

This bill directs the Secretary of War to acknowledge the actual service from date of enlistment, June 27, 1861, to date of discharge, September 29, 1861, and the Commissioner of Pensions to adjudicate her pension claim accordingly for his services as over ninety days, and that the reports of the Hawkins-Taylor commission be ignored so far as they relate to this soldier's service.

The letter of Gen. F. C. Ainsworth, War Department, hereto attached as an exhibit, shows that—

"By the record of allowances made by the Hawkins-Taylor commission, appointed under the joint resolutions of Congress of July 12, 1862, and February 16, 1863, on file in his office that, on the claim of Louis Dickerhoff, of Captain Cleely's company (A), Girardeau Battalion Missouri Home Guards, for service between June 27, 1861, date of organization, and September 29, 1861, date of discharge, the period of one month was allowed as actual military service rendered the United States."

The letter of the Commissioner of Pensions to Mr. Cockrell, hereto attached as an exhibit, shows that the pension claim, No. 512137, of Elizabeth Dickerhoff, widow of Louis Dickerhoff, under the general law, for death from paralysis, incurred in his military service, is still pending, awaiting evidence of origin of fatal disease in the service; and that her claim for pension under the law of June 27, 1890, "was rejected May 25, 1892, on the ground that the soldier was not in the military service of the United States ninety days, as required by the act of June 27, 1890."

The Commissioner of Pensions lays down the rule as follows:

"Where the records of the Hawkins-Taylor commission show less than ninety days service claims for pension under the act of June 27, 1890, based thereon are rejected by this Bureau as not coming within the law. Only the period for which payment was made is recognized by this Bureau as the length of actual military service."

The question thus raised is whether the records of the Hawkins Taylor commission shall be changed so as to show actual service from date of organization or

enlistment to date of discharge and the Pension Office required to grant pension accordingly. Waiving all right on the part of this committee to consider bills for changing or correcting the records of the War Department, the question relating to the Pension Bureau will be considered.

The act of March 25, 1862, is copied in the report. The report then says:

This law clearly provided that pay, bounty, and pension should be allowed for the time "actually employed in the military service of the United States."

* * * * *

The commission, composed of Hawkins Taylor, Charles T. Sherman, and Francis T. Russell, made report in September, 1863, and made allowances to the total amount of \$800,612.13, which was appropriated by the acts of May 14, 1862, and January 22, 1864.

They visited Missouri and spent over a year in their labors and made their report, stating the dates of organization of companies or enlistments and of discharge, and the time or period between such dates actually employed in the military service of the United States and for which pay, bounty, and pension should be allowed, and payments were accordingly made and accepted. The whole question of pay, bounty, and pension was settled by a fair tribunal duly authorized. After the lapse of thirty-five years or more it is clearly too late even to consider the propriety of reconsidering their action and changing their findings.

Your committee report the bill back to the Senate adversely and recommend it be indefinitely postponed.

Referring to the services of the Gentry County Home Guards Brigade, the members of which are the petitioners herein, the adjutant-general of the State of Missouri in his report for 1863, on page 85, gives the list of the field, staff, and company officers, and then adds:

The above companies were accepted into service by Gen. John Pope, commanding in northern Missouri, and were engaged in scouting and performing guard duty along the line of the Hannibal and St. Joseph Railroad, and also participated in the battle of Blue Mills, and performed duty in the counties of Dekalb, Clinton, Caldwell, Buchanan, Gentry, Worth, Clay, Andrew, and Platte, from August to October, 1861.

The following letters of April 9 and 13, 1903, from the War Department, and of April 14, 1903, from the adjutant-general of Missouri, give all the data from the records in the War Department and in the adjutant-general's office in Missouri in regard to the service of this regiment:

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
Washington, D. C., April 9, 1903.

Sir: Referring to your letter of yesterday, received this morning, in which you request to be furnished with information relative to the period of service of the Gentry County, Mo., Home Guard Regiment, commanded by Col. Manlove Cranor, and the periods for which pay was allowed by the Hawkins Taylor commission, I have the honor to advise you as follows:

It is shown by the records of the Hawkins Taylor commission that the members of Company A of the regiment referred to were paid for the period of service actually rendered between August 27 and September 19, 1861; that the members of Company B were paid for the number of days of service rendered between September 2 and September 19, 1861; that the members of Company C were paid for service rendered between August 28 and September 19, 1861; that the members of Company D were paid for service rendered between August 28 and September 26, 1861; that the members of Company E were paid for service rendered between August 5 and September 24, 1861; that the members of Company F were paid for service rendered between August 22 and September 21, 1861; that the members of Company G were paid for service rendered between August 27 and September 19, 1861; and that the members of Company H were paid for service rendered between August 30 and September 21, 1861. Pay was allowed only for the number of days' service actually rendered by each individual between the dates mentioned.

The records of this Office afford no further information relative to the organization or service of Colonel Cranor's regiment, which was organized in Gentry and Dekalb counties. It is understood that the rolls of the organization are filed in the office of the adjutant-general of Missouri.

The records show that Brig. Gen. John Pope assumed command of the forces in north Missouri on or about the 18th of July, 1861, but he was not formally assigned to the command until July 29, 1861.

Very respectfully,

Hon. F. M. COCKRELL,
United States Senate.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
Washington City, April 13, 1903.

SIR: Referring to your letter of the 10th instant, which was not received until this morning, relative to the organization and service of Colonel Cranor's Gentry County (Mo.) Home Guards Regiment, and referring also to the letter from this Office of the 9th instant, in which you were advised relative to the periods for which payment was allowed by the Hawkins Taylor commission, I have the honor to inform you that, although the record of the Hawkins Taylor commission has a heading which reads "Organization and duration of service," the dates given thereunder evidently refer to the dates of enrollment or commencement of service and of the discharge of individuals, and not to the dates of organization and discharge of the companies to which the individuals belonged. This is evident from the fact that the dates of "organization" given after the names of individuals are not, as a rule, the same for all members of a company, and from the fact that the dates of "discharge" given under the general heading before referred to are not always the same for all members of a company.

The earliest and latest dates of "organization" shown in the cases of members of the several companies composing the Gentry County Home Guards Regiment are as follows:

Company A, from August 27 to September 14, 1861; Company B, from September 2 to September 7, 1861; Company C, from August 28 to September 10, 1861; Company D, August 28, 1861; Company E, August 5, 1861; Company F, from August 22 to August 27, 1861; Company G, August 27, 1861; Company H, August 30, 1861.

The heading "Organization and duration of service" when applied to individuals is misleading, and evidently the use of the first word of the quoted heading was a misapplication of that word by the commission. The dates given in the letter from this Office of the 9th instant show the earliest date of "organization" (enrollment or commencement of service) and the latest date of "discharge," the number of days of actual service between those dates being determined in each case by the commission.

As you were advised by letter of the 9th instant, the records of this Office afford no further information relative to the organization or service of Colonel Cranor's regiment than is contained in that letter. The dates of organization and disbandment of the several companies are not shown. It is possible that additional information on this subject is afforded by the rolls of the regiment, which are understood to have been turned over to the adjutant-general of the State upon the dissolution of the Hawkins Taylor commission.

Very respectfully,

F. C. AINSWORTH,
Chief Record and Pension Office.

Hon. F. M. COCKRELL,
United States Senate.

STATE OF MISSOURI, ADJUTANT-GENERAL'S OFFICE,
Jefferson City, April 14, 1903.

Hon. F. M. COCKRELL,
United States Senator, Washington, D. C.

DEAR SENATOR: I have the honor to acknowledge the receipt of yours of the 10th instant relative to the military history of Col. Manlove Cranor's regiment of six months' militia, and in answer thereto beg leave to say that we find very little historical data in reference to said organization. It was recruited largely from Gentry County, Mo., during the month of September, 1861, and was performing service about October 15 of the same year. Companies A, B, F, G, H, and I were recruited in Gentry County. Company C in Dekalb and Company D in Worth County. It was an infantry organization and was sometimes known as the Sixth Missouri State Militia. It was organized under the immediate supervision of its commanding officer in Gentry County, Mo. The intimate acquaintance of the men with the northwestern section of the State at once suggested itself to the commanding general, and was made the reason of their being detailed for duty as scouts and skirmishers for the various bodies of volunteers then encamped in that vicinity. The command remained

in the discharge of this duty during almost the entire term of their service, until February, 1862, when they were ordered to St. Joseph, where they were honorably discharged from the service on the 13th day of the same month.

Hoping this data will be of some service to you, I remain,

Yours, truly,

W. T. DAMERON, *Adjutant-General*,
By I. MANN, *Chief Clerk*.

Congress and the Executive in the enactment of the law of March 25, 1862, aimed to do equal and exact justice to the officers and soldiers who were actually employed in the military service of the United States, whether mustered into actual service or not, in every case, where their services were accepted and actually employed by the generals who were in command in Missouri, and to give them for the time they were in such actual service the same pay, bounty, etc., as they would have been entitled to as regularly mustered in United States Volunteers.

The Secretary of War was ordered to execute the law. It was soon found that it was impracticable for the Secretary to carry out the law. Hence the law of July 12, 1862, suspending his work and authorizing the appointment of three commissioners to do the work and make their report within sixty days. The commissioners, commonly called the Hawkins-Taylor Commission, Mr. Taylor being the chairman, were unable to complete their work within the time limited.

Thereupon the law of February 16, 1863, was enacted, giving them six months longer time within which to make their examinations and report.

The commissioners went to St. Louis, held their sessions there, and there made their report in September, 1863. They gave public notice of their sessions in the leading newspapers published in St. Louis and in the States of Missouri, Iowa, and Kansas, and issued a circular giving the laws with instructions as to the form and manner of presenting claims.

The commissioners were competent men. One of them, Mr. Russell, was a citizen of Missouri. They considered all the claims presented, and among them the claims of the petitioners, and allowed to each pay for the time actually employed in the military service of the United States according to the evidence presented.

The petitioners claim they should have been allowed pay from the date of their organization, June 1, 1861, to September 26, 1861, and that they were only allowed pay from August 28, 1861, to September 26, 1861. Whether they were, under the law, entitled to pay from June 1, 1861, depended entirely upon the question whether they were actually employed in the military service of the United States during all the time from June 1 and their services were accepted and actually employed by the generals in command in Missouri during the whole of the time. If the petitioners failed to present the proper evidence of their service from June 1 it was not the fault of the commission. The adjutant-general of Missouri, who should certainly, in 1863, have known the services performed, states in the report, quoted herein, that the petitioners' companies performed duty from August to October, 1861, and makes no mention of service in June or July. After the lapse of over forty years it is now too late for Congress to undertake to revise, modify, or correct the findings and records of that commission.

Your committee recommend that the prayer of the petitioners be not granted and their claim not allowed.